

Serial No. 10/810,526

Drawing Amendments

There are no amendments to the drawings.

Serial No. 10/810,526

Remarks

This a full and timely response to the outstanding Office Action mailed on 03/31/2006. The Office Action rejected claims 1-4, 7, 11-15, 18, 22, 24-26, 33-37, 44, 46-48, 51, 55-56, and 59-60, as being unpatentable under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0198461 of D.J. Coombes (hereafter referred to as Coombes). Also, claims 23 and 45, were rejected as being unpatentable under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,216,016 of G.T. Cronin (hereafter referred to as Cronin). Claims 5, 6, 9, 16, 17, 20, 27, 28, 31, 38, 39, 42, 49, 50, and 53, were rejected under 35 U.S.C. §103(a) as unpatentable over Coombes in view of Cronin. Finally, claims 6, 7, 10, 11, 17, and 18, were rejected under 35 U.S.C. §103(a) as unpatentable over Coombes in view of Cronin and further view of 6704,565 of W.G. Parson, et al. (hereafter referred to as Parson). Claims 1, 3, 6, 11, 23, 25, 28, 33, 45, 47, 50, and 55, are being amended, and claims 5, 9, 27, 31, 49, and 53, are being canceled. Dependent claims 61-63 are being added.

Rejection of Claims 1, 4, 6, 7, 9, and 11 under 35 U.S.C. §102(e) - Coombes or 35 U.S.C. §103(a) - Coombes and Cronin

Amended claim 1 now incorporates the material of canceled claim 5 and recites:

Serial No. 10/810,526

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user;
receiving a time specifying the delay from the user after the incoming call is received;
inserting the time into a predefined message; and
transmitting the predefined message that is selected by the user to the calling party.

As noted by the Office Action, Coombes is silent concerning "the steps of receiving a time specifying the delay; and inserting the time into the predefined message." Since amended 1 now incorporates the material of canceled claim 5, amended claim 1 is patentable under 35 U.S.C. §102(e) in view of Coombes.

The Office Action rejected original claim 5 as being unpatentable under 35 U.S.C. §103(a) as being unpatentable over Coombes in view of Cronin. The Office Action states that Cronin teaches "the steps of receiving a time specifying the delay; and inserting the time into a predefined message (C1, L38-61, C5, L1-25 teach time delay into predefined message)." Amended claim 1 now recites "receiving a time specifying the delay from the user after the incoming call is received". Cronin does not teach or suggest this step of receiving. Further, the text at Col. 1, Lines 38-61 of Cronin describes placing a call on hold and then every 20 or 30 seconds (which is not indicated as being adjustable by the user of the telephone) simply replaying

Serial No. 10/810,526

a message that states that the user is looking for a suitable place to answer the incoming call. Similarly, the text cited by the Office Action at Col. 3, Lines 5-17 of Cronin simply states that the called party (user) is reminded that the calling party is still on hold every 30 seconds or so. Clearly, Cronin does not disclose or suggest specifying a time delay by the user after an incoming call is received and transmitting that time to a calling party in a predefined message.

Applicant respectfully submits that amended claim 1 is patentable under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) in view of the cited art.

Dependent claims 4, 6, 7, 9, and 11 are directly or indirectly dependent on amended claim 1 and are patentable for at least the same reasons as set forth with respect to amended claim 1 since the Office Action only cites Parsons as teaching the transmission of a text message.

Rejection of Claim 3 under 35 U.S.C. §102(e) - Coombes or 35 U.S.C. §103(a) - Coombes and Cronin

Amended claim 3 now incorporates the material of original claim 1 and recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user;
transmitting a message that is selected by the user to the calling party; and

Serial No. 10/810,526

terminating the incoming call after transmission of the message.

With respect to 35 U.S.C. §102(e), the Office Action states "Coombes teaches the method of claim 1 further comprises the step of terminating the incoming call after transmission of the message (paragraph 0015, FIG. 3, illustrates call in number 314 as terminating wherein after the transmission of the message)." Whereas block 314 of FIG. 3 indeed has the notation "END" the last sentence of paragraph 0015 clearly defines that the call is not terminated. The last sentence of paragraph 0015 states "if no match is found, then a default PRGN can be transmitted (310), otherwise the corresponding custom PRGN is transmitted (312) and the auto-answer ends (314) as normal by placing the call on hold until the user is ready to take the call". Clearly then block 314 of FIG. 3 does not terminate the call but places the call on hold. Applicant respectfully submits that amended claim 3 is patentable over Coombes under 35 U.S.C. §102(e).

With respect to 35 U.S.C. §103(a), Cronin does not disclose or suggest terminating the call either after the transmission of a message nor has the Office Action stated that Cronin suggests or discloses this operation.

Rejection of Claims 12-20 and 34-44 under 35 U.S.C. §102(e) - Coombes or 35 U.S.C. §103(a) - Coombes, Cronin and/or Parsons

Original claim 12 recites:

Serial No. 10/810,526

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called wireless handset, comprising the steps of:

answering the incoming call by the wireless handset in response to one of at least an input from the user or a predefined amount of movement of the wireless handset when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user; and
transmitting a message that is selected by the user to the calling party.

The rejection of claim 12 is respectfully traversed.

Claim 12 recites in part "answering the incoming call by the wireless handset in response to one of at least an input from the user or a predefined amount of movement of the wireless handset...." Coombes, Cronin, and Parsons do not disclose or suggest singularly or in combination the answering of an incoming call upon a predefined amount of movement of the handset being detected.

Applicant respectfully submits that claim 12 is patentable under both 35 U.S.C. §102(e) and 35 U.S.C. §103(a) over the cited references.

Dependent claims 13-20 are directly or indirectly dependent on claim 12 and are patentable for at least the same reasons as claim 12.

Claims 34-44 are patentable for the same reasons as claims 12-20.

Serial No. 10/810,526

Rejection of Claims 23, 24, 26, 28-30, 32, and 33, and 45, 46, 50-52, 54, and 55, under 35 U.S.C. §102(e) - Cronin or 35 U.S.C. §103(a) - Coombes, Cronin and/or Parsons

Amended claim 23 now incorporates the material of canceled claim 27 and recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
receiving a time specifying the delay from the user after the incoming call is received;
transmitting a message including the time to a wireless switching system in response to the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
inserting the time into a predefined message that is selected by the user to the calling party by the wireless switching system;
transmitting by the wireless switching system [[a]] the predefined message to the calling party; and
placing the incoming call on hold by the wireless switching system.

Amended claim 23 recites, in part, the steps of "receiving a time specifying the delay from the user after the incoming call is received; transmitting a message including the time to a wireless system....; inserting the time into a predefined message...by the wireless switching system." As noted in the remarks with respect to amended claim 1, Coombes, Cronin, and Parsons singularly or in combination do not disclose or suggest the above-referenced steps.

Applicant respectfully submits that amended claim 23 is patentable under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) in view of the cited references.

Serial No. 10/810,526

Dependent claims 24, 26, 28, 29, 30, 32, and 33 are directly or indirectly dependent on amended claim 23 and are patentable for at least the same reasons as set forth with respect to amended claim 23.

Claims 45, 46, 48, 50-52, 54, and 55 are patentable for the same reasons as set forth with respect to claims 23, 24, 26, 28, 29, 30, 32, and 34.

Rejection of Claims 25 and 47 under 35 U.S.C. §103(a) -
Coombes and Cronin

Amended claim 25 now incorporates the material of original claim 23 and recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
transmitting a message to a wireless switching system in response to the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
transmitting by the wireless switching system a message to the calling party;
placing the incoming call on hold by the wireless switching system; and
terminating the incoming call after transmission of the message.

Amended claim 25 recites in part "terminating the incoming call after transmission of the message." As explained in the remarks with respect to amended claim 3, Coombes and Cronin do not singularly or in combination disclose or suggest this step of terminating.

Serial No. 10/810,526

Applicant respectfully submits that amended claim 25 is patentable under 35 U.S.C. §103(a) in view of Coombes and Cronin.

Amended claim 47 is patentable for the same reasons as amended claim 25.

Rejection of Claims 56-58 under 35 U.S.C. §102(e) - Cronin or 35 U.S.C. §103(a) - Coombes, Cronin and/or Parsons

Claim 56 recites:

An apparatus for alerting a calling party of a delay before an incoming call will be answered by a communication terminal, comprising:

- means for detecting the incoming call while the communication terminal is not engaged in another call;
- means for detecting movement of the communication terminal; and
- means for transmitting a message to the calling party upon detection of the incoming call and movement.

The rejection of claim 56 under 35 U.S.C. §102(e) is respectfully traversed.

Claim 56 recites in part "means for detecting movement of the communication terminal; and means for transmitting a message to the calling party upon detection of the incoming call and movement." As explained with respect to claim 12, Coombes, Cronin, and Parsons do not singularly or in combination suggest means for performing these particular operations.

In view of the foregoing, Applicant respectfully submits that claims 56-58 are patentable under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) in view of the cited art.

Serial No. 10/810,526

New Claims 61-63

Claim 61 is directly dependent on amended claim 3 and is patentable for at least the same reasons as amended claim 3.

Claims 62 is directly dependent on amended claim 25 and is patentable for at least the same reasons as amended claim 25.

Claim 63 is directly dependent on claim 47 and is patentable for at least the same reasons as amended claim 47.

In view of the foregoing, applicant respectfully submits that a new claims 61-63 are patentable under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) in view of the cited art.

Summary

In view of the foregoing, applicant respectfully requests consideration of claims 1, 3, 6, 11, 23, 25, 28, 33, 45, 47, 50, and 55, as amended, claims 61-63, as added, reconsideration of the remaining claims as presently in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone

Serial No. 10/810,526

number listed below.

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Date: 06/23/2006

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